

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ANTONIO MORA,

Defendant.

19-CR-514 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant Antonio Mora mailed three documents to the Court on March 30, 2022. The Court construes these attached documents as a § 2255 *pro se* motion. The government is directed to respond within thirty days of this order, and if Mr. Mora chooses to file a reply brief, he must do so within thirty days of the government's filing of its response.

The Clerk of Court is directed to send a copy of this order to Mr. Mora.

SO ORDERED.

Dated: August 15, 2022  
New York, New York



J. PAUL OETKEN  
United States District Judge

FROM: [REDACTED]  
TO:  
SUBJECT: Post-sentencing letter -- Antonio Mora 19-cr-514  
DATE: 03/26/2022 09:02:00 PM

March 27, 2022

The Honorable J. Paul Oetken  
U.S. District Courthouse -- SDNY  
500 Pearl Street  
Manhattan, NY 1007-1312

RE: Antonio Mora -- 19-cr-515 (JPO)

Dear Judge:

I am writing to Your Honor post-sentence for a few reasons related to my pre-sentence preparations with my counsel, the information presented to the Court per my Probation Report, and future appellate counsel.

First -- I want Your Honor to know that I understand that my two counts of conviction carried mandatory minimum 10-years sentences with the stacking issue for the gun possession. As a result -- I understand that my 240 month sentence was the minimum that was available for the Court to consider in my case. That salient fact does not escape me -- related to the issues addressed below.

Pre-sentencing failures: I am attaching two correspondences that I mailed to my attorney before my sentencing date. I had been waiting for a face-to-face meeting at MDC to discuss the details of my sentencing preparations for many months -- but that never happened. As I addressed with my counsel via letter correspondence, I asked for a brief sentencing delay -- so he and I could review the Probation Report and object (if needed). In fact, the plea deal (which was adopted by the Pre-Sentence Report) over calculated my Converted Drug Weight (almost by double). Even though the weight would not have affected the ultimate sentencing time, now -- I realize that there is always changes in the law in the future and I should have had the appropriate calculations registered; in the event of Congressional retroactivity that benefits me. The PSR referenced 90,000 CDW -- where my calculations, based on the allegations and related timeframes total approximately 52,000 CDW. At a minimum -- I should have been able to address this with my counsel before sentencing day -- so the record reflected the accurate amounts. Additionally -- I never received a copy of my PSR until the week before sentencing day -- despite multiple requests to counsel. That is just inappropriate -- even with the double-mandatory guidelines. Objections are objections (if necessary); like Due Process is Due Process. There is no reason to short-cut them, even for the least among us. Regardless of the late mailing of the PSR, I never received either my counsel's sentencing memo (for good or bad) -- or the government's submission; again after multiple requests for both. It was another Due Process issue that would have allowed me to review the government's final arguments, and if necessary, address them in my sentencing day speech to the Court. Even if it is style over substance (with the mandatory guideline issues) -- it is Due Process.

Next -- I spent a considerable amount of time during MDC's cruel and unusual conditions of confinement (after the similar MCC issues) and wrote and re-wrote my notes for my final letter to Your Honor. I knew that even if I were over-prepared, I was going to be nervous sentencing day -- and I wanted to place my personal history and thoughts in writing for Your Honor to see me as more than "just another convict" in front of you that day. None of that came to fruition -- because I was prohibited, via my counsel's absence and neglect, from presenting it ahead of time. As such -- it is attached for Your Honor's reference -- albeit too late for sentencing day consideration on the record. At a minimum, I hope that Your Honor will read it and understand that I put in the efforts to prepare properly with respect for the Court.

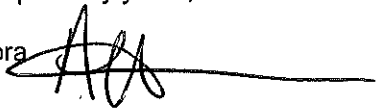
Lastly -- I am asking that Your Honor have appellate counsel assigned to me for a 18 U.S.C. 2255 motion. In the future, I want to be prepared to address any relevant issues with the Court that affected my sentence -- so if/when that day arises, I would like to have that attorney's name to begin the process. I would also like counsel to send me a copy of my sentencing transcripts -- unless the Court can handle that request. Based on my former counsel's history, I cannot expect to receive it from him upon request.

Your Honor, this letter is not how I expected to complete my sentencing in your Courtroom and move on to rehabilitation and serve my time -- but I have been anxious and frustrated by the details of my sentencing day; not the results (which I thank Your Honor for), but moreover, the Due Process failures that restricted me from showing proper respect to the Court -- through preparations and submissions.

I appreciate Your Honor's time in attending to my letter and any proper resolve that can be recorded for the future -- as appropriate.

I remain, respectfully yours,

Antonio Mora

A handwritten signature in black ink, appearing to be 'AM', followed by a long horizontal line extending to the right.

FROM: [REDACTED]  
 TO:  
 SUBJECT: Sentencing letter  
 DATE: 03/13/2022 08:55:16 PM

The Honorable J. Paul Oetken  
 U.S. District Courthouse -- SDNY  
 500 Pearl Street  
 Manhattan, NY 10007-1312

Dear Judge:

I know that you are intimately familiar with the details of my case as a result of my brother's sentencing and our shared circumstances. With that in mind -- I want to tell Your Honor more about me -- in my own words -- in the hope that you see me as more than a person with a torrid past that is, perhaps, lucky to even be alive at this point in time. I have spent the last three-and-a-half years under some of the harshest conditions of confinement. And -- nothing in this letter should be misunderstood as an excuse for my involvement in this case, but moreover -- I want Your Honor to see the real me.

My life & my family: I have never lived a life of ease or privilege. It has been a life of remarkable instability from the earliest memories I have. For years -- I just thought that living under these conditions was what life was like for everyone. I knew that others did not live under the constant stress of home-to-home and country-to-country changes that left some of the poorest living conditions to actually end up under a far worse place...but that is exactly my path. It was only as I grew into my early teens by the age of 14 that I realized my life was a mess. As I look back -- especially from the isolation of the last 2+ years in 24/7 quarantine living conditions -- I am not even sure how I am still alive -- or why. As I remember the days I spent in school in the Dominican Republic with my father, we redefined poor. I was effectively forced out of school at age 8 in order to sell homemade foods on the street. I walked the streets and worked 12 hour days. I was exhausted by the time I got home and gave the money to my father; at least the times I was not physically assaulted and robbed. I wonder how a father could place an 8-year-old on the streets to fend for himself...but that was me. I was unable to attend school as a result. I know now that education is the key to success in life -- because street smarts only gets you so far. My father's priorities (for me) left me absent the most critical tool available to me. Additionally -- I realize that based on working 7-day per week as a child -- I never really interacted with other kids my age to learn through foolish trial-by-fire things that all kids should experience. I was an 8-year-old adult. For the next few years, life was tough, really tough -- just to have enough for food and clothing. I prayed as a kid for change...or just something different.

At age 13, my mother sent for me. She lived in the United States. I first felt incredible relief, thinking that I could not possibly experience worse. I believed as a kid that my tough times were behind me, and I would be able to go to school like a normal kid. I felt relief and safety (in my mind) for the first time in my life. If I could bottle that great feeling, I would have drank it every day. Sadly -- I could not have been more wrong. This was the beginning of time that I saw life as one day of punishment after the previous. No kid should ever live this way -- but I did. As I got to know my Mom, I realized that she faced her own demons in life. Why she sent for me in America made no sense to me almost immediately. Her demons allowed her on-again off-again boyfriends to beat me, sometimes into unconsciousness. My Mom was in no mental or emotional condition to protect me -- as she could not help herself or her addictions. I should have stayed in the Dominican Republic. I schemed almost daily on how to get money, at least anything that could help me run away and get back to the D.R. I was actually thinking that the horrible life in the DR was a better way to survive; perhaps just tired of the relentless beatings. I ran away a few times -- but was unsuccessful in my attempts to go back to the DR. When I returned to my Mom's home, I was beaten worse. Why? I never knew -- as I just wanted mental and physical peace. My emotional lows were not survivable at that age. I probably saw more horrible acts by age 14 than all of the kids I met in my life until that time combined. I needed a way out and tried to die. At least -- I figured it would be on my terms. I was hospitalized as a result. Even then -- I never received help. I still just wanted peace -- so I tried to be more accommodating to my mother's demands (to minimize the beatings for starters). That led to another disaster in my life.

At age 15, I was arrested with my mother when she tried to smuggle drugs from the DR back into the USA with me as a decoy, I guess. I was humiliated when she got caught. As I look back -- I cannot say for certain whether I knew what she was doing or not (right or wrong). I figured if she took me to the DR a few times -- I would be able to escape her attention and just hide away and not have to return to the USA with her. That plan never came to fruition and as my Mom was jailed, I was sent to a group home for a few years. More terrible things happened there -- but to discuss them and their details is too traumatic to relive. Lets just say, the ills of my childhood culminated in the horrors I lived at that time. I was a kid who for more than a decade was forced into an adult's world of illegal acts and daily survival. It wouldn't be so sad if I wasn't writing about the only history I have in life. I often wondered how anyone could love me. I thought that maybe I was defective -- and this is what life would look



like for me...and forever, whatever that meant to me. I lived day-to-day, now effectively on my own by the time I was 18 years old. Life was not better -- but for the first time in my life I was calling my own shots. I found love in different relationships and fathered 6 kids. I didn't know whether that was normal for a young man like me -- but the joy and love I found in the faces and lives of my kids was amazing. I found a purpose for living. I worked wherever I could so I could provide more for my kids than I had in life at any point.

Although my life on the streets under a survival lifestyle never relented, I had what I thought was a way out. I always thought that no matter what I did -- I could create some self-worth for myself by providing for my kids. Your Honor -- I made some bad decisions in life while learning right from wrong without guidance most kids have. I learned on my own and faltered badly. I know that I have a lot to make up for in life -- and have tried during this detention period to get involved in the various education programs. The pandemic has started and stopped the majority of them -- but I am hoping that will change during my incarceration. I know that my brother received a 10-year sentence for his similar acts to mine -- and with better explanations before I thought about trial as my only option (certainly a misguided view -- but while I knew nothing about the Federal legal system), I wish I would have been led to an earlier plea deal like him. I guess I will suffer again as a result of the differences between his guidance and plea decision and mine. I know what I was involved in was wrong, very wrong. But -- I see the difference between my brother's punishment and what mine will be as unfair. Maybe that is just a continuation of the life I have led without a single break to my benefit. My decisions that led me to Your Honor's Courtroom were bad. I have punishment ahead of me, and I deserve it for breaking the law. After the life I have led to date -- I really worry about the lives my kids will have without me. That haunts me as much as the memories of my life. There have been days over the last 2 years of living in isolation 24/7 that have stressed my anxiety and challenged my ability to avoid irreversible depression. Your Honor should know though that never once were those thoughts a result of my personal situation; they were always provoked by the thought of my kids and their lives without me...whatever that meant.

Nothing in my life has been easy -- and I wish things would have been different so far -- any of it (including decisions under the worst duress a human being could experience like me). There are many things I have to make amends for in life -- in the future -- but mainly, I have my kids that I have let down. With the time I will serve, I will leave them absent proper paternal guidance like I was. That is perhaps the saddest for a human, like me, who loves kids -- especially more after I realized the joy they brought to my heart and soul for the first time in my troubled life. I know there is a better path for me. I hope I survive the next phase of my life and that decisions (including the type of plea I was led to) will be made in the future with a better foundation of what they mean. My life to date will never be thought of as blessed, but I own some of that -- after my early life's abuses at the hands of those who I should have counted on for protection. I pray for my kids every day -- that they forge a better and safer path; especially in my absence.

Your Honor -- again, there are no excuses for my involvement in this case. I wish I would have had more in life to guide me elsewhere, anywhere -- but that is not my history. What I do know -- is that I have a good soul and pray that I will have a second chance to show others outside this system that I am worth something more than my history. Thank you for taking the time to read this. I am sorry for the content of despair -- but it hurt me as much to write it; re-living the trauma of the events in my mind as I did. I hope you see me as a human who has more to give at the end of this penance. I do. God bless.

Sincerely, Antonio Mora

FROM: [REDACTED]  
TO:  
SUBJECT: Sentencing  
DATE: 03/09/2022 08:20:06 PM

March 9, 2022

Matthew Myers, Esq.  
Myers & Galiardo, LLP  
52 Duane Street  
New York, NY 10007

RE: Sentencing date -- Antonio Mora, 19-cr-514(JPO)

Dear Matthew:

I have been waiting to hear from you since the cancellation of the court appearance last month (February 2022). I assumed at that time -- we would discuss the contents of the Probation Report and our Sentencing Memo. I have not seen a copy of the PSR -- and as such, I have no idea whether the transcription of the interview was accurate or not. Furthermore -- there are recommendations and analysis from the Probation Department that may need to be objected to, presumably your job (but with my input if necessary).

I think that you need to contact the Court and request a sentencing date delay at this time. I am not sure what you have addressed with the Court in my Sentencing Memo. Additionally -- I have not seen the government's submission either. These seem like far too many issues outstanding for us to proceed at this time.

Please set up an immediate attorney-client call with MDC's legal department so you can explain where we are at and how I will get copies of each of the documents above to review pre-sentencing. If you can make an in-person visit, that would be preferable.

I trust you will handle this -- and the sentencing date will be postponed until you and I are better prepared; at least on the same page for this important day in Court.

Sincerely,

Antonio